

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TINA ANN DEYO MEJIA,

Plaintiff,

1:15-CV-1279
(GTS/WBC)

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

OFFICE OF PETER M. MARGOLIS

PETER M. MARGOLIS, ESQ.

Counsel for Plaintiff

7 Howard Street

Catskill, New York 12414

SOCIAL SECURITY ADMINISTRATION

SIXTINA FERNANDEZ, ESQ.

OFFICE OF REG'L GEN. COUNSEL—REGION II

Counsel for Defendant or Commissioner

26 Federal Plaza, Room 3904

New York, New York 10278

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

The above-captioned Social Security case comes to this Court following a Report-Recommendation by United States Magistrate Judge William B. Mitchell Carter, filed on March 1, 2017, recommending that the Commissioner's decision denying Plaintiff benefits be affirmed and Plaintiff's Complaint be dismissed. (Dkt. No. 12.) Objections to the Report-Recommendation have not been filed and the time in which to do so has expired. (*See generally* Docket Sheet.) After carefully reviewing all of the papers herein, including Magistrate Judge Carter's thorough Report-Recommendation, the Court can find no clear error in the Report-Recommendation: Magistrate Judge Carter employed the proper standards, accurately recited the

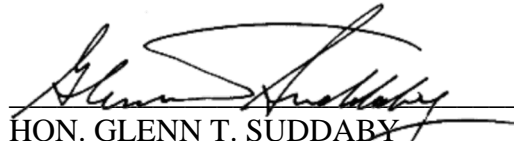
facts, and reasonably applied the law to those facts.¹ As a result, the Report-Recommendation is accepted and adopted in its entirety; the Commissioner's decision denying Plaintiff benefits is affirmed; and Plaintiff's Complaint is dismissed.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Carter's Report-Recommendation (Dkt. No. 12) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that the Commissioner's determination denying Plaintiff benefits is **AFFIRMED**, and the Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED**.

Dated: March 24, 2017
Syracuse, New York


HON. GLENN T. SUDDABY
Chief United States District Judge

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).